HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
(DIVISION BENCH)

CORAM : HON'BLE SHRI S.R. NAYAK, CJ. &
HON'BLE SHRI V.K.SHRIVASTAVA, J.

Writ Petition No.2231 OF 2001

PETITIONERS

1. Kashi Prasad S/o Ramdayal aged 65 years.
2. Ramu Mahrolia, S/o Ram Awtar, aged 38 years.
3. Kalika Karosiya alias Munnalal s/o Kashi Prasad Karosiya aged 36 years.

All resident of Ram Nagar, Ward No.20, Gond para, Bilaspur, Tah. & Distt. – Bilaspur (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh,
Through: Collector, Bilaspur

2. Municipal Corporation, Bilaspur,
Through: Commissioner, Municipal Corporation, Bilaspur (C.G.)

Present : Shri R.K. Tiwari, learned counsel for the petitioners.
Shri Vinay Harit, learned Dy. A.G. for the State.
Shri A.S. Kachhawaha, learned counsel for respondent No.2.

ORAL ORDER
(Passed on 29th November, 2006)

In this petition filed as Public Interest Litigation, the petitioners sought for mandamus to respondents to reconstruct water closet in Ward No.20, Gond para, Bilaspur. It appears that there existed a hundred year old dilapidated water closet in Ward No.20, but, the land in which that existed, was subsequently handed over to CIMS, and CIMS having taken over possession of the land and having regard to the dilapidated condition of the water closet, demolished the same. In the return filed on behalf of the 2nd respondent – Corporation, it is stated that the public latrine with regard to which the complaint is made in this writ petition was situated in a

Government land just behind CIMS' campus and it was more than 100 years old and it was in a pathetic condition causing danger to the public health of the locality. It is also stated that the walls and roofs of the public latrines were completely damaged and big cracks existed on the walls, and in the circumstance the same was demolished. Furthermore, it is stated thus :

> " That, the alternative arrangement is also available on that locality, the Sulabh Complex (Public Latrine & Bathroom) is situated in front left side of the CIMS Hospital, which is hardly away about 100 mtrs. The Sulabh Complex (Public Latrine & Bathroom) is functioning since 1998. A copy of the photograph of that Sulabh Complex (Public Latrine & Bathroom), is herewith marked and annexed as **ANNEXURE R-2/1.** And in the above Sulabh Complex (Public Latrine & Bathroom), 15 seated toilets and 24 Hrs. water and electricity supply, are available and a person has also been deployed for cleaning work and maintenance of the above Sulabh Complex (Public Latrine & Bathroom) at 24 Hrs."

(2) Having heard learned counsel for the parties, we are of the considered opinion that the kind of writ sought from this Court in this PIL cannot be granted. Where public latrines should situate, where and how many public latrines within the Municipal area should be provided, squarely fall within the legitimate power of the Corporation. It is nobody's right to insist that public latrine should be provided very nearer to residences of a group of people or locality. It all depends upon financial resources available at the disposal of the Corporation to cater to the needs of the ever-increasing demands of the citizens. There is no need for us to dilate on this aspect. In the above extracted paragraph of the return, it is stated that there existed an alternative latrine Sulabh Complex

(Public Latrine & Bathroom) just in front of the left side of the CIMS campus, it is hardly 100 mts. away from the locality and in the Sulabh Complex 15 seated toilets are provided with bathrooms and they are opened to users all 24 hrs. of the day. Therefore, the petitioners and similarly circumstanced others can use the bathrooms and the toilets in Sulabh Complex.

(3) There is no need for us to monitor this case any further. It is accordingly disposed of. No costs.

Sd/-
V.K. Shrivastava
Judge

Sd/-
Chief Justice